

MAINE STATE HARNESS RACING COMMISSION
MINUTES OF MEETING
February 27, 2020
Gambling Control Board Conference Room
Department of Public Safety
45 Commerce Drive, Augusta, Maine

Commission Members Present: Michael Timmons, Chair, William McFarland, Edward Kelleher, James Kelley, Jr., and Richard Shiers

Commission Members Absent: Edward Kelleher and James Kelley

Staff Members Present: Ron Guay, AAG, Henry Jennings, Carol Gauthier, Miles Greenleaf, Jaime Wood, Zachary Matzkin, and Joy Bonenfant

1. Call the Meeting to Order and Introductions: Michael Timmons, Chair

2. Review and Approval of Minutes

Commissioner McFarland made a motion to approve the minutes of August 23, 2019 as printed. Commissioner Shiers seconded. Vote 3-0. AAG, Guay stated by voting to approve the minutes you're not necessarily approving to agree with what was said but rather this was the discussion.

Review and Approval of Decision and Orders

Commissioner McFarland made a motion to approve the decision and order complaint number 2019 MSHRC 13 and 14 with respect to Benson Merrill. Commissioner Shiers seconded. Vote 3-0.

Commissioner Shiers moved the written form of the Race Date Decision and Order 2020. Commissioner Timmons seconded. Vote 3-0.

3. Adjudicatory Hearings:

a. RE: Jamie Gerard, Complaint Number 2019 MSHRC 04. Mr. Gerard is alleged to have violated MSHRC Rules Chapter 7 and 11. Mr. Gerard is the trainer of record for the horse, "Ima Tragedy N". A blood sample obtained from Ima Tragedy N following the Second Qualifier at Scarborough Downs on June 16, 2019 showed an elevated level of Dexamethasone.

AAG, Guay stated subsequent to the notice of hearing being issued in this case. The hearing officer was made aware that there was insufficient evidence, so as a result the Department chose to dismiss the case.

b. RE: Kim Ireland, Complaint Number 2019 MSHRC 09. Mr. Ireland is alleged to have violated MSHRC Rules Chapter 7 and 11. Mr. Ireland is the trainer of record for the horse, "Saratoga Liz". A blood sample obtained from Saratoga Liz following the Third Race at Farmington Fair on September 17, 2019 showed an elevated level of Acepromazine.

AAG, Guay qualified the Commissioners. Mr. Ireland was present and represented himself. AAG, Guay gave Mr. Ireland his oath. Mr. Jennings moved for the admission of the following exhibits. Exhibit 1, Notice of Hearing; Exhibit 2, Owner/Driver/Trainer's License Application; Exhibit 3, Race Date Program; Exhibit 4, Notice of Positive Test; Exhibit 5, HRC Sample Tag; Exhibit 6, Sample Shipment Sheet; Exhibit 7, University of Chicago Certificate of Analysis; and Exhibit 8, Licensees Violation History. AAG, Guay admitted the exhibits with no objection. He stated that Mr. Ireland is admitting to the violation. Testimony was provided. AAG, Guay closed the hearing for deliberations.

Commissioner Shiers made a motion that they fine Mr. Ireland \$500, loss of purse and waive the 15 day suspension. Commissioner McFarland seconded. Vote 3-0.

- c. **RE: Dolores Basilone, Complaint Number 2019 MSHRC 12.** Ms. Basilone is alleged to have violated MSHRC Rules Chapter 7 and 11. Ms. Basilone is the trainer of record for the horse, “For Kevin’s Sake”. A blood sample obtained from For Kevin’s Sake prior to the Fourth Race at Scarborough Downs on November 16, 2019 showed an elevated level of Total Carbon Dioxide.
- AAG, Guay qualified the Commissioners. Ms. Basilone was not present. She participated by phone. She asked for a continuance. Mr. Jennings stated the department objects to the continuance. AAG, Guay stated he will rule against Ms. Basilone’s request for a continuance. Commissioners can change AAG, Guay’s ruling. Commissioner Shiers moved to take the case of Ms. Basilone up today. Commissioner McFarland seconded. Vote 3-0. AAG, Guay stated for the record that there are 3 motions for continuance. He granted the first and denied the subsequent two. He noted for the record that Ms. Basilone objected to his failure to give a continuance. Mr. Jennings did not object. Mr. Jennings moved for the admission of the following exhibits. Exhibit 1, Notice of Hearing; Exhibit 2, Trainer’s Application; Exhibit 3, Race Program; Exhibit 4, Notice of Positive Test; Exhibit 5, HRC Sample Tag; Exhibit 6, Sample Shipment Sheet; Exhibit 7, University of Chicago Certificate of Analysis; and Exhibit 8, Licensee Violation History. Ms. Basilone objected to the exhibits. AAG, Guay admitted the exhibits except Exhibit 6. Testimony was provided. Commissioners deliberated. Commissioner Shiers made a motion that a violation has occurred. Commissioner McFarland seconded. Vote 3-0. AAG, Guay asked Mr. Jennings what the recommendation was for Ms. Basilone. Mr. Jennings stated 15 day suspension, \$500 fine and return of purse. AAG, Guay closed the hearing for deliberations. Commissioner McFarland stated his motion would be a suspended suspension of 60 days and a fine of \$750, and loss of purse. Commissioner Shiers seconded. Vote 3-0. AAG, Guay stated he would ask them to authorize the executive director upon if there’s any positive test results in this race year coming up if it’s confirmed through a split sample meaning once it’s gone through the process that Mr. Jennings would have the ability to administratively administer the suspension immediately without having to come for a hearing. After a brief discussion, AAG, Guay stated that the motion would be properly stated to allow the executive director to remove the suspension of the suspension upon confirmation of a positive test result in the 2020 racing season in the State of Maine. Commissioner Timmons moved the motion. Commissioner Shiers seconded. Vote 3-0.

4. **Approval of the 2020 Sire Stakes Schedule.** CMR 01-017, Chapter 9, Section 1.3 requires the Commission to approve the annual sire stakes schedule. The Sire Stakes Advisory Committee has developed a proposed 2020 schedule. The Commission will review the proposed schedule and determine whether to approve it or amend it.
- Diann Perkins presented the proposed Sire Stakes schedule. After a brief discussion of the schedule, Commissioner Shiers made a motion that they accept the Sire Stakes schedule as presented. Commissioner McFarland seconded. Vote 3-0.
5. **Request to Provide Financial Support to Maine’s Pari-mutuel Fairs.** The costs of hosting a harness racing meet have risen steadily over the decades while the revenues have dropped precipitously since the advent of casinos in Maine. As a result, Maine’s agricultural fairs are finding the economics of continuing harness racing challenging, and in some cases impractical. At the same time, Maine’s agricultural fairs provide geographically diverse exposure of the sport, coupled with a loyal fan base and venues steeped in history and tradition. In addition, marketing research demonstrates that most Mainer’s who are familiar with harness racing first

encountered the sport at a fair. In 2019, the Commission approved \$2,000/race day in financial support for fairs. The staff is requesting that the Commission continuing the support to Maine's pari-mutuel fairs for 2020.

Mr. Jennings stated the cost of holding a meet has gotten out of hand and with the decline in the handle due in large part for the wagering dollar. It's hard for the fairs to afford to put on a meet. There are 4 fairs at least that are probably very close to being insolvent in terms of the expense line exceeds the revenue line for racing. After discussion, Commissioner Shiers moved to provide financial support to the Maine pari-mutuel fairs and add an additional \$1,000 per race day to Topsham and Northern Maine Fair as written by Mr. Jennings. Commissioner McFarland seconded. Vote 3-0.

6. **Update on the Department's Investigation Relative to Racing Facility Complaints.** The Department will provide an update on its efforts to investigate concerns about the condition of Maine's racing facilities.

Mr. Jennings stated contracting is more complicated then he realized. They discussed the issue regarding the inspection of the facilities. AAG, Guay stated the Commissioners moved for this order and Commissioners adopted the order. He stated they can reopen in March to change the 16-point inspection.

7. **Overview/Update on Prohibited Substance Testing.** Miles Greenleaf will give an overview/update of the prohibited substance testing results.

Mr. Greenleaf stated they have one more to go. It should be up in April.

8. **Other Business**

Ms. Patterson representing the MHHA stated the horsemen would like to this year again modify the qualifying rule. Mr. Sweeney stated if you have a horse that showed a satisfactory performance line from November 10th on the horse would be considered eligible to race until April 12th at which point if they don't show a satisfactory performance line they would have to qualify, and then the presiding judge would be required to put any horse that does not meet qualifying standards on the stewards list immediately. Commissioner Shiers moved the proposal. Commissioner McFarland seconded. Vote 3-0.

9. **Public Comment**

Ms. Perkins stated there is going to be a judges meeting in March. She stated they need officials.

10. **Schedule of Future Meetings:**

March 26, 2020

April 24, 2020

11. **Adjourn**

1:00 p.m.